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| FORM PTO-1390 (REV 5-93) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | ATTORNEY DOCKET NO. 023231-00033 | |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | | | DATE: July 13, 2007 | |
| | | | | U.S. APPLN. NO. (IF KNOWN, SEE 37 C.F.R. 1.5) 10/584,225 | |
| INTERNATIONAL APPLICATION NO. PCT/US2003/039107 | | INTERNATIONAL FILING DATE December 23, 2003 | | PRIORITY DATE CLAIMED | |
| TITLE OF INVENTION: METHODS OF EXPRESSING HETEROLOGOUS PROTEIN IN PLANT SEEDS USING MONOCOT NON SEED-STORAGE PROTIEN PROMOTERS | | | | | |
| APPLICANT(S) FOR DO/EO/US: Ning HUANG (Davis, California, USA); Diachang YANG (Sacramento, California, USA); Kevin HENNEGAN (Sacramento, California, USA) | | | | | |
| <p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The U.S. has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed [35 U.S.C. 371(c)(2)] <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application into English [35 U.S.C. 371(c)(2)]. <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)] <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]. 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]. 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)]. <p>Items 11 to 20 below concern other document(s) or information included:</p> <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98; and SB08a Form. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: Copy of Notification of Missing Requirements from USPTO | | | | | |

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| U.S. APPLN. NO. (IF KNOWN, SEE 37 C.F.R. 1.50) 10/584,225 | | INTERNATIONAL APPLICATION NO. PCT/US2003/039107 | | ATTORNEY DOCKET NO. 023231-00033 | |
| The following fees are submitted: | | | | CALCULATIONS | PTO USE ONLY |
| 21. <input type="checkbox"/> Basic National Fee | | | \$300.00 | \$ | |
| 22. <input type="checkbox"/> Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) | | | \$100.00 | \$ | |
| All other situations | | | \$200.00 | | |
| 23. <input type="checkbox"/> Search Fee Search Fee (37 CFR 1.445(a)(2)) has been paid on the International Application to the USPTO as an International Searching Authority | | | \$100.00 | \$ | |
| International Search Report prepared and provided to the Office | | | \$400.00 | | |
| All other situations | | | \$500.00 | | |
| TOTAL OF CALCULATIONS FOR 21, 22 and 23 = | | | | \$ | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | | Rate | |
| - 100 = | /50 = | | | x \$250.00 | \$ |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date [37 C.F.R. 1.492(e)]. | | | | \$ | 130.00 |
| Claims | Number Filed | Number Extra | Rate | | |
| Total Claims | -- - 20 = | -- | x \$ 50.00 | \$ | |
| Independent Claims | -- - 3 = | -- | x \$200.00 | \$ | |
| Multiple dependent claim(s) (if applicable) | | | + \$360.00 | \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ | 130.00 |
| Reduction by one-half for filing by small entity, if applicable. Small entity status under 37 C.F.R. §§1.9 and 1.27 is hereby claimed. | | | | \$ | |
| SUBTOTAL = | | | | \$ | 130.00 |
| Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)]. | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ | 130.00 |
| Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | \$ | 130.00 |
| 07/17/2007 MKAYPAGH 00000096 10584225 | | | | Amount to be refunded | \$ |
| 01 FEB 2008 1617 130.00 DP | | | | Charged | \$ |
| <p>a. <input checked="" type="checkbox"/> Check # _____ in the amount of \$ 130.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 01-2300 in the amount of \$ _____ to cover the above fee. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 01-2300.</p> <p>NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO: Customer No. 004372 Arent Fox LLP 1050 Connecticut Avenue, N.W. Suite 400 Washington, D.C. 20036-5339 Tel: (202) 857-6000 Fax: (202) 638-4810</p> <div style="text-align: right;">  Richard J. Bernham Reg. No. 39,107 </div> | | | | | |

RJB:cp



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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P.O. Box 1450
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| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/584,225 | Ning Huang | 023231-00033 |

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| INTERNATIONAL APPLICATION NO. | |
| PCT/US03/39107 | |
| I.A. FILING DATE | PRIORITY DATE |
| 12/23/2003 | |

4372
ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

CONFIRMATION NO. 9090

371 FORMALITIES LETTER



OC000000024433199

Date Mailed: 06/20/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/23/2006
- Copy of the International Search Report filed on 06/23/2006
- Preliminary Amendments filed on 06/23/2006
- Information Disclosure Statements filed on 06/23/2006
- Request for Immediate Examination filed on 06/23/2006
- U.S. Basic National Fees filed on 06/23/2006
- Specification filed on 06/23/2006
- Claims filed on 06/23/2006
- Abstracts filed on 06/23/2006
- Drawings filed on 06/23/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/584,225 | PCT/US03/39107 | 023231-00033 |